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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clark R. Baker, Jr.

Serial No.: **10/796,578**

Filed: **March 8, 2004**

For: **PULSE OXIMETER WITH
SEPARATE ENSEMBLE
AVERAGING FOR OXYGEN
SATURATION AND HEART RATE**

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Group Art Unit: **2857**

Examiner: **Tsai, Carol S. W.**

Atty. Docket: **TYHC:0052/FLE
009103-022700US**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
September 29, 2005	<i>MOA</i>
Date	Michael G. Fletcher

Sir:

10/04/2005 FMETEK11 00000030 061315

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**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.97(c) AND 1.98**

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In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.

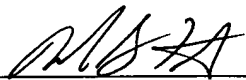
Furthermore, the references listed on the attached PTO/SB/08A and PTO/SB/08B Forms are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed on the attached PTO/SB/08A and PTO/SB/08B Form in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

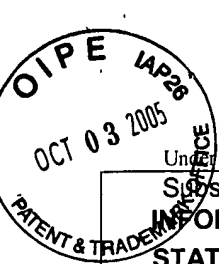
In accordance with 37 C.F.R. §1.97(c) a fee of \$180.00 is due for the present Information Disclosure Statement. The Commissioner is authorized to charge any requisite fee for this Information Disclosure Statement, and any additional fee which may be required, to Deposit Account No. 06-1315; Order No. TYHC:0052/FLE.

Respectfully submitted,

Date: September 29, 2005



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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/796,578
				Filing Date	March 8, 2004
				First Named Inventor	Clark R. Baker, Jr.
				Art Unit	2857
				Examiner Name	Tsai, Carol S. W.
Sheet	1	of		Attorney Docket Number	TYHC:0052/FLE/009103-022700US

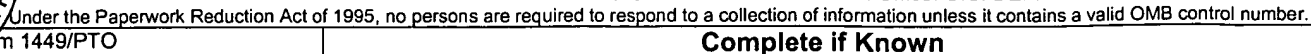
U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	A1	US-	2002/045806 A1	04/18/2002	Clark R. Baker, et al.	
	A2	US-	4,911,167 A	03/27/1990	Corenman et al.	
	A3	US-	5,743,263 A	04/28/1998	Baker, Jr., et al.	
	A4	US-				
	A5	US-				
	A6	US-				
	A7	US-				
	A8	US-				
	A9	US-				
	A10	US-				
	A11	US-				
	A12	US-				
	A13	US-				
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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	B1					
	B2					
	B3					
	B4					
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	B6					

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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